



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

April 13, 2022
REPORT OF THE LICENSES AND PERMITS COMMITTEE

Attendee Name	Title	Status	Arrived
Willie Burnley Jr.	Chair	Present	
Jesse Clingan	Vice Chair	Present	
Jake Wilson	City Councilor At Large	Present	

Others present: Kim Wells - City Clerk, Rachel Taylor - Animal Control, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:01 PM by Chair Burnley and adjourned at 7:42 PM on a roll call vote of 3 in favor (Councilors Wilson, Clingan and Burnley, none against and none absent).

Approval of the March 9, 2022 Minutes

RESULT:	ACCEPTED
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Public Hearing re: #213431

213431: Amending Dog Kennel License, Elliotts House Pet Care and More, 230 Somerville Ave, adding overnight boarding for 10 dogs.

Chair Burnley opened the public hearing at 6:05 PM.

Attorney Nicholas Iannuzzi, representing the applicant, Carol Lindenmuth (Elliot's House, LLC), informed the committee that the license was issued in 2020 and that the application before the committee this evening is to permit overnight boarding for 10 canines at the facility. Chair Burnley asked Attorney Iannuzzi if he were aware of any complaints against Elliot's House and he replied that he was aware of the Feb 10, 2022, complaint. Chair Burnley asked Animal Control Officer (ACO) Rachel Taylor to address that complaint. Officer Taylor reported that 2 complaints about this business were received this year and that the licensee was found not to be in compliance with the terms of the license by having more than the permitted number of canines on the property and for boarding canines overnight. A warning was issued at that time. On February 16, 2022, the licensee was again found to not be in compliance for the same reasons, and for not having the business license posted, and was fined \$500. On February 24, 2022, the licensee was again found to not be in compliance for the same reasons and was fined \$1,000.

Attorney Iannuzzi said there have been no other issues since those reported by ACO Taylor and he explained that his client's business had a rough start due to construction at Union Square, COVID issues and personal matters. He went on to say that the managers of the business were not doing their jobs properly. Additionally, his client received no assistance from the building's landlord for the construction that was required. Attorney Iannuzzi stated that the complaint came from a disgruntled employee, and he pointed out that this is the only canine boarding business in the city. When asked, ACO Taylor stated that she was satisfied with the number of crates available and that she was fine having the business permitted to have overnight boarding for 10 canines. She suggested that 2 or 3 employees be on-site when boarding 10 canines overnight but said that is ultimately up to the business owner. Councilor Wilson noted that the license for overnight boarding expired on 7-3-20.

Attorney Iannuzzi acknowledged that the business did briefly operate without a license for a period of time, and he attributed that to there being no by-law governing the operation. He noted however, that a review was not called for until nine months later. Once his client realized that the business was not in compliance, she sought an increase to permit 60 canines on the property as well as overnight boarding for 10 canines. He told the committee that his client never received a notice to renew the license. City Clerk Wells stated that license renewal notices are sent by her office. She went on to explain that the fee for the license was previously adjusted due to COVID related matters at the time and then was reissued to increase the permitted number of canines back to 60 (with the appropriate license fee).

Councilor Clingan asked the applicant for some background information and Ms. Lindenmuth responded by saying that she has always been around animals and that, in her opinion, she has never had dogs stressed or overcrowded at her facility. She also said that all dogs are vetted and have a temperament test prior to being taken on as a customer, adding that she has a no tolerance policy if any aggression is observed. She noted that her business has received many amazing customer reviews and has many repeat customers. Ms. Lindenmuth explained that with so many things going on in her life, she wasn't considering if she was over the permitted number of canines at the facility. ACO Taylor commented that in large groups of canines, if one gets aggressive it could have a domino effect, so having a person to dog ratio of 1:40 is unsafe. Ms. Lindenmuth disputed the ratio, however ACO Taylor stated that she and other officials from the city observed that ratio.

Ms. Lindenmuth reported that the required changes were made to the building and said that she has been operating this business for 10 years, (2 years at the facility in Somerville). She acknowledged that prior to the complaint timeframe, there was an HVAC situation at the facility and that she rented 6 used heaters (approved for indoor use) to compensate for the building's heating system being non-operational for approximately 3 months due to parts being unavailable at that time.

Councilor Wilson stated his concern about what appears to be a pattern of disregarding the terms of the license and he asked why the committee should feel confident that terms will be met if this license is approved. Attorney Iannuzzi replied that if the license is approved, all terms would be followed, adding that if the terms are not complied with, the business should be shut down. He noted that the business has a good relationship with the city, employees Somerville residents and takes in unwanted canines from the Somerville Police Department. Councilor Wilson said that the 3 recent incidents were not omissions, but rather constituted a pattern of non-compliance, causing him to struggle with giving the applicant. The committee was told that some of the canines at the facility belonged to people who were out of the country, so there was no way to get them back to their owners. Councilor Clingan comment that the applicant is giving the committee every reason to not approve this license, adding that he, too, is having a difficult time about giving the applicant a second chance.

Chair Burnley commented that the applicant was not in compliance with the terms of her license for one and a half years and that some reports about this facility, as well as the findings of Animal Control Officers, were not acceptable. He stated that the Committee is here to ensure that businesses are acting ethically and reasonably and that a number of issues regarding this business don't reassure him this is happening. He asked if Animal Control would be confident of the business' compliance if spot checks were performed and ACO Taylor replied that monthly random checks might be acceptable from her perspective. Attorney Iannuzzi told the committee that overnight boarding is important to the business and without it, the business would be forced to close.

Chair Burnley moved to **condition the license by adding that if overcrowding, i.e., having more canines at the facility than what is permitted on the license, is observed by Animal Control or Inspectional Services, a public hearing would be triggered upon receipt of a report from Animal Control.**

Chair Burnley considered adding a condition regarding fights among the canines at the facility, but after some discussion it was decided not to pursue that. ACO Taylor noted that all canine bites are supposed to be reported and none were. She also stated that she heard 2 canine fights break out during her visit to the facility on February 24, 2022. Councilor Wilson commented that he was curious if there is a pattern of not reporting but acknowledged that even the best run operation can have fights break out.

Chair Burnley moved to approve the license as conditioned. Councilor Wilson stressed to the applicant that a second chance is being given and urged her to take this seriously and to always be in compliance. The motion approved.

RESULT:	APPROVED WITH CONDITIONS. [UNANIMOUS]
AYES:	BurnleyJr., Clingan, Wilson

Reference Material:

- Elliots House Kennel License Active (with 213431)
- Elliot's House Notice and Incident Report (with 213431)